

REMARKS

In the office action dated July 24, 2003, the Examiner rejected claims 1-39, 41-52, and 54-55 under 35 U.S.C. § 102(e) and claims 40 and 53 under 35 U.S.C. § 103(a) as unpatentable over Swenson et al. ("Swenson"). This rejection is respectfully traversed.

Claim 30 recites:

A method for managing one or more work processes comprising:  
constructing a computer-based process model for each of said one or more work processes, wherein each said process model includes at least two instances of a first network;  
requiring that each of said at least two instances of said first network be comprised of three or more nodes;  
requiring that a first node of said three or more nodes model an activity of one of said one or more work processes;  
requiring that a second node of said three or more nodes model behaviors of a first role of a first participant in said activity;  
requiring that a third node of said three or more nodes model behaviors of a second role of a second participant in said activity; and  
using each of said computer-based process models to support at least one of execution, control and improvement of said one or more work processes. (Emphasis added.)

The above-recited features of claim 30 require certain structured arrangements in modeling a work process. In particular, the required arrangements are:

1. At least two instances of a network.
2. Each of the instances of the network is required to include three or more nodes.

3. A first one of the three nodes is required to model an activity of the modeled work process.

4. A second one of the three nodes is required to model behaviors of a role of a first participant in the activity modeled by the first node.

5. A third one of the three nodes is required to model behaviors of a role of a second participant in the activity modeled by the first node.

These features are specific and explicit requirements to facilitate stable, consistent, concise and efficient modeling of various work processes. Each and every time a user models any work process, these requirements are imposed. In contrast, Swenson does not describe the set of requirements as recited in claim 30 above. It describes that the illustrated embodiments are mere “preferred or exemplary” embodiments. (Col. 24, ll. 62-63.) This allows numerous variations to the embodiment, illustrated in Swenson, and, in fact, the examples included in Swenson can be changed “on the fly.” (Col. 2, ll. 31-32, Col. 3, ll. 14 -35 and Col. 17, ll. 59-63). In particular, Swenson does not describe, among other recited features, the requirement that each and every modeled process includes at least two instances of the specific network, the requirement that each and every network includes three or more nodes, and the requirement that a node be one of three or more specifically related nodes. Hence, the features recited in claim 30 are not described in Swenson.

In addition to the above missing features, Swenson also does not describe the features discussed below.

1. Swenson patent does not describe process models that are comprised of two or more instances of a network, that is, a network with a specific set of characteristics (i.e., “comprised of three or more nodes”) as recited by claim 30. There is only one instance of a network described in the Swenson patent’s Fig. 5, while the claim requires the inclusion of “at least two instances of a first network.” Swenson describes no such structure.

2. Swenson does not describe the modeling of behaviors in a distinct node apart from the node that models the associated activity as recited in claim 30. The ability to identify repetitive behavior requirements and package them as distinct roles facilitates understanding, learning and communication of, by and among the participants and economy in system development, implementation and maintenance.

3. Swenson does not describe Submitter, Tester, Programmer, Project Manager, Tester 1, Tester 2 or Test Lead as roles. Swenson also does not describe either a second role of any sort or modeling the behaviors of such a role.

4. Claim 30 recites a specific requirement, not only for modeling of role behaviors, but for modeling those behaviors distinct from the modeling of the activity with which the role is associated. As above, the ability to identify repetitive behavior requirements and model them as distinct roles facilitates understanding, learning and communication by and among the participants and economy in system development, implementation and maintenance. The Swenson patent not only fails to describe such a requirement, it fails to even describe the possibility of doing such modeling (FIG. 19, features labeled 412 and 414, and Col. 22, ll. 4-23).

5. The context of the Responsible User role is explicitly described by Swenson as a stage. The contexts of any other alleged roles described by Swenson (e.g., Submitter, Tester, Programmer, Project Manager, Tester 1, Tester 2 or Test Lead) are not explicitly described. The context of such alleged roles is neither explicit nor inherent in their names and Swenson, therefore, fails to describe two roles in an activity as recited in claim 30. The only place where Swenson even describes more than one participant in an activity is in connection with FIGS. 16 and 17, where it is clear that each participant associated with a role having multiple participants has exactly the same role. Swenson even fails to describe more than one role in an activity, much less the modeling of behaviors of two or more such roles.

6. While claim 30 recites a requirement that each modeled activity has two or more roles associated with it. Swenson actually teaches away from this claim requirement in describing activities that have no participant roles.

“A program node is a type of stage that ... follows some predetermined logic in fulfilling obligations. Thus, program nodes do not have responsible users. (Col. 20, ll. 15-16, emphasis added.)

It is a feature of the claimed invention that individuals be explicitly associated with and responsible for participation in every activity of a modeled work process, even where there has not traditionally seemed to be a need for such association (e.g., “programmed” tasks). The traditional failure to provide this feature contributes to the well known absurdity in which only “the computer” is held accountable for failures. In view of the above-referenced missing features, claim 30 and its dependent claims are patentably distinguishable from Swenson.

Claim 34 recites certain requirements:

A method for managing one or more work processes comprising:  
constructing a computer-based process model of each of said one or more work processes;  
requiring that each of said process models includes one or more models of decision situations in one of said one or more work processes, wherein each of said decision situations requires a choice to be made;  
requiring that each of said process models model participation of one or more persons in said each of said decision situations, said participation being modeled as at least two decision roles;  
requiring that each of said at least two decision roles be associated with said each of said decision situations;  
requiring that said each of said at least two decision roles have defined behaviors;  
requiring that said defined behaviors of said each of said at least two decision roles be differentiated from said defined behaviors of every other one of said at least two decision roles;  
requiring that said defined behaviors be invariant with respect to all of said decision situations; and  
using each of said computer-based process models to support at least one of execution, control and improvement of said one or more work processes.  
(Emphasis added.)

The above-recited features of claim 34 require certain structured arrangements in modeling a work process. In particular, the required arrangements are that:

1. Process models contain models of one or more decision situations.
2. In each decision situation, participation is modeled as at least two decision roles.
3. Each decision role has defined behaviors.
4. Defined behaviors of each decision role are differentiated from the defined behaviors of every other decision role.

5. Defined behaviors of each decision role are invariant with respect to all decision situations.

Once again, these features are not described in Swenson. The detailed discussions of these features are not included since many of these features have been discussed above in connection with claim 30. In view of the above-referenced missing features, claim 34 and its dependent claims are patentably distinguishable from Swenson.

With respect to the Official Notices taken by the Examiner in claims 40 and 53, Applicant respectfully traverses the Notices and requests that the Examiner provide supporting references and/or an affidavit.

With respect to other pending claims, they are also patentable over the prior art. The remarks presented in the Amendment filed on May 20, 2003 are incorporated herein by reference.

All pending claims are patentably distinguishable from the prior art, and they are in the form to be allowed. Therefore, a notice to allow all pending claims is earnestly solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment to deposit account no. 08-0219. In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to deposit account no. 08-0219.

Respectfully submitted,  
HALE AND DORR LLP



Anthony H. Kahng  
Registration No. 42,704

1455 Pennsylvania Avenue, N.W.  
Washington, DC 20004-1008  
(202) 942-8477  
(202) 942-8484 facsimile  
AHK:ldc

Date: DEC 23, 2003